



**Austin City Council
MINUTES**

**REGULAR MEETING
THURSDAY, JANUARY 15, 2004**

Invocation: Dr. Sharon Bryant, Chaplain, Lone Star Hospice

The following represents the actions taken by the Austin City Council in the order they occurred during the meeting. While the minutes are not in sequential order, all agenda items were discussed. The City Council of Austin, Texas, convened in a regular meeting on Thursday, January 15, 2004 in the Board Room at Lower Colorado River Authority Hancock Building, 3700 Lake Austin Boulevard.

Mayor Wynn called the Council Meeting to order at 10:15 a.m.

CONSENT AGENDA

The following items were acted on by one motion. No separate discussion or action occurred on any of the items. The consent items were approved on Council Member Dunkerley's motion, Mayor Wynn's second on a 4-0 vote. Mayor Pro Tem Goodman and Council Members McCracken and Thomas were off the dais.

1. Approval of minutes from the meeting of January 8, 2004.
The minutes from the meeting of January 8, 2004 were approved.
2. Approve negotiation and execution of a contract with Richard Vallani, Austin, TX, for the purchase, including closing costs, of a house and lot at 1007 Pyegrave in an amount not to exceed \$114,900. (Funding is included in the Fiscal Year 2003-2004 Approved Capital Budget of the Electric Utility Department.)
The motion authorizing the negotiation and execution of a contract was approved.
3. Approve negotiation and execution of an Interlocal Agreement for Engineering Services and Construction setting out terms under which the City of Austin's (City) Water Utility would assist Travis County by engineering, designing and performing construction activities for water system improvements in Plover Place Road to serve low income communities and colonias. (Recommended by Water and Wastewater Commission)
The motion authorizing the negotiation and execution of an Interlocal Agreement was approved.

4. Authorize negotiation and execution of an amendment to the existing professional services agreement with PBS&J, Austin, TX, for additional design phase engineering services for the Barton Creek Lift Station Force Main Project, in the amount not to exceed \$95,814 for a total amount not to exceed \$1,767,783. (Funding in the amount of \$95,814 is included in the Fiscal Year 1999-2000 Amended Capital Budget of the Austin Water Utility.) 11.6% MBE and 15.92% WBE subcontractor participation to date. (Recommended by Water and Wastewater Commission)
The motion authorizing the negotiation and execution of an amendment to the existing professional services agreement was approved.
5. Authorize negotiation and execution of a cost reimbursement agreement with William Schultz, providing terms and conditions for construction of 24-inch water main and appurtenances to provide water service to the Schultz 45 Acre Tract located on the west side of IH-35 North approximately 1,900 feet north of the IH-35 North and Wells Branch Parkway intersection with City cost reimbursement in an amount not to exceed \$216,000 for actual "hard" construction costs. (Funding is included in the Fiscal Year 2003-2004 Capital Budget of the Austin Water Utility.) (Recommended by Water and Wastewater Commission) (Related Item 6)
The motion authorizing the negotiation and execution of a cost reimbursement agreement was approved.
6. Authorize the City Manager to negotiate and execute an agreement with Wells Branch Municipal Utility District and Southwest Land Investments, Inc. to provide pass through wastewater service to the "Schultz 45 Acre" tract located 1,900 feet north of the IH-35 and Wells Branch Parkway intersection on the west side of IH-35 (No City funds are required by this action. The developer will construct the necessary water and wastewater infrastructure.) (Recommended by Water and Wastewater Commission) (Related Item 5)
The motion authorizing the City Manager to negotiate and execute an agreement was approved.
7. Approve execution of an Interlocal Agreement between the City of Austin, TX and the City of Rollingwood, TX for the provision of environmental health services to the City of Rollingwood for the period of January 1, 2004 through December 31, 2004, with automatic annual renewal options. Payment to the City of Austin for the initial term shall not exceed \$14,509.51.
The motion authorizing the execution of an Interlocal Agreement was approved.

Items 8 and 9 were pulled for discussion.

10. Approve the negotiation and execution of an agreement with the AUSTIN COMMUNITY DEVELOPMENT CORPORATION in an amount not to exceed \$100,000, to provide financial assistance to small businesses and small commercial development projects that create jobs for low- to moderate-income persons. (Funding is available in the Fiscal Year 2003-2004 Neighborhood Housing and Community Development Office (NHCD) 29th year Community Development Block Grant (CDBG).)
The motion authorizing the negotiation and execution of an agreement was approved.

11. Approve the negotiation and execution of a five-year deferred forgivable loan in an amount not to exceed \$500,000 to AUSTIN CHARTER SCHOOL, for the acquisition and renovation of a Youth and Family Business Training Center located at 1901 E. Ben White. (Funding is available in Community Development Block Grant (CDBG) funds in the Fiscal Year 2004-2005 Neighborhood Housing and Community Development budget allocation under the Public Facilities Program.)

The motion authorizing the negotiation and execution of a deferred forgivable loan was approved.

Item 12 was pulled for discussion.

13. Authorize execution of a construction contract with HUTCHISON CONSTRUCTION, INC., Austin, TX, for the Circle C Fire/ EMS Station in an amount not to exceed \$1,834,000. (Funding is available in the Fiscal Year 2003-2004 Capital Budget of the Austin Fire Department.) Lowest bid of eight received. 17.39% MBE and 8.54% WBE subcontractor participation.

The motion authorizing the execution of a construction contract was approved.

14. Authorize execution of a construction contract with TEXAS ROAD & UTILITIES, INC. (WBE/FR 65.06 %), Buda, TX, for the Austin Clean Water Program: Upper Tannehill - Lower Fort Branch: Old Manor Wastewater Improvements Project in the amount of \$510,000 plus a \$51,000 contingency, for a total contract amount not to exceed \$561,000. (Funding in the amount of \$561,000 is included in the Fiscal Year 2003-2004 Approved Capital Budget of the Austin Water Utility.) Lowest bid of six received. 22.53% MBE and 9.18% WBE subcontractor participation. (Recommended by Water and Wastewater Commission.)

The motion authorizing the execution of a construction contract was approved.

15. Authorize execution of a construction contract with CASH CONSTRUCTION CO., LTD., Pflugerville, TX for the Austin Clean Water Program: Upper Tannehill - Airport and IH 35 Wastewater Improvements Project in the amount of \$1,238,478.00 plus a \$123,847.80 contingency, for a total contract amount not to exceed \$1,362,325.80 (Funding in the amount of \$1,362,325.80 is included in the Fiscal Year 2003-2004 Capital Budget of the Austin Water Utility.) Lowest bid of eight bids received. 7.62% MBE and 7.03% WBE subcontractor participation. (Recommended by Water and Wastewater Commission)

The motion authorizing the execution of a construction contract was approved.

16. Authorize execution of two, 12-month supply agreements with NATIONAL WATERWORKS, INC., Austin, TX and MUNICIPAL PIPE & FABRICATING CO., Pflugerville, TX for the purchase of ductile iron fittings and pipe joint restraints of various sizes in amounts not to exceed \$63,302.25 and \$59,178.86 respectively with two, 12-month extension options in amounts not to exceed \$63,302.24 and \$59,178.86 respectively for each extension option for total agreement amounts not to exceed \$189,906.75 and \$177,536.58 respectively. (Funding in the amount of \$81,654.08 is available in the Fiscal Year 2003-2004 Approved Operating Budget of the Austin Water Utility. Funding for the remaining four months of the original contract period and extension options is contingent upon available funding in future budgets.) Low bids of two received. This contract will be awarded in compliance with Chapter 2-9 of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.

The motion authorizing the execution of supply agreements was approved.

17. Authorize execution of a 12-month supply agreement with AUSTIN CRUSHED STONE, Austin, TX for flexible base in an amount not to exceed \$124,028, with four 12-month extension options in an amount not to exceed \$124,028 per extension option, for a total agreement amount not to exceed \$620,140. (Funding in the amount of \$82,685.33 is available in Fiscal Year 2003-2004 Amended Operating Budget of the Electric Utility Department. Funding for the remaining four months of the original contract period and extension options is contingent upon available funding in future budgets.) Low bid of two bids received. This contract will be awarded in compliance with Chapter 2-9 of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.
The motion authorizing the execution of a supply agreement was approved.
18. Approve execution of a 12-month service agreement with AMERICAN SOCIETY FOR QUALITY, Milwaukee, WI, for the purchase of customer survey data and analysis in an amount not to exceed \$48,000, with the option to extend for up to two 12-month periods in an amount not to exceed \$48,000 per extension option, for a total contract amount not to exceed \$144,000. (Funding in the amount of \$36,000 is available in the Fiscal Year 2003-2004 Amended Operating Budget for the Electric Utility Department. Funding for the remaining three months of the original contract and extension options is contingent upon available funding in future budgets.) Sole Source. This contract will be awarded in compliance with Chapter 2-9 of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.
The motion authorizing the execution of a service agreement was approved.
19. Authorize execution of a 12-month supply agreement with AIRGAS-SOUTHWEST, Austin, TX for the purchase of specialty gases and rental of gas cylinders in an amount not to exceed \$49,859.50, with three 12-month extension options in an amount not to exceed \$49,859.50 per extension option, for a total agreement amount not to exceed \$199,438. (Funding in the amount of \$37,395 is available in Fiscal Year 2003-2004 Amended Operating Budget of the Electric Utility Department. Funding for the remaining 3 months of the contract and extension options is contingent upon available funding in future budgets.) Lowest bid of 2 bids received. This contract will be awarded in compliance with Chapter 2-9 of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.
The motion authorizing the execution of a supply agreement was approved.
20. Authorize execution of a contract with AUSTIN MAINTENANCE & CONSTRUCTION, INC. Houston, TX for fabrication and installation of steel platforms for the Sand Hill Energy Center in an amount not to exceed \$499,914. (Funding is available in the Fiscal Year 2003-2004 Approved Capital Budget for the Electric Utility Department.) Lowest bid of 2 received This contract will be awarded in compliance with Chapter 2-9 of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.
The motion authorizing the execution of a contract was approved.

21. Approve execution of a 12-month service contract with SAFE ZONE, INC. (WBE/FB), Austin, TX and N-LINE TRAFFIC MAINTENANCE, AUSTIN, TX (WBE/FR) for the rental of temporary traffic control devices and roadway pavement marking services, for the Austin Water Utility, Department of Public Works, Transportation, Planning and Sustainability Department, Watershed Protection and Development Review Department and Austin Energy in an amount not to exceed \$415,000, with two 12-month extension options in an amount not to exceed \$415,000 per extension option, for a total contract amount not to exceed \$1,245,000. (Funding in the amount of \$161,250 is included in 2003-2004 Approved Operating Budget of the Austin Water Utility, \$37,500 is included in the Fiscal Year 2003-2004 Approved Operating Budget of the Public Works Transportation Fund, \$22,500 is included in the Fiscal Year 2003-2004 Approved Operating Budget of the Transportation, Planning and Sustainability Department, \$45,000 is included in the Fiscal Year 2003-2004 Approved Operating Budget of the Watershed Protection and Development Review Department, and \$45,000 is included in the Fiscal Year 2003-2004 Amended Operating Budget for the Electric Utility Department. Funding for the remaining three months of the original contract period and extension options is contingent upon available funding in future budgets.) Lowest bid of 3 received This contract will be awarded in compliance with Chapter 2-9 of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.
The motion authorizing the execution of a service contract was approved.
22. Authorize negotiation and execution of a contract with TEGRON, INCORPORATED, Austin, TX for the purchase of a gas yard control system for the Decker Creek Power Station in an amount not to exceed \$236,142. (Funding is available in the Fiscal Year 2003-2004 Approved Capital Budget of the Electric Utility Department.) Best evaluated proposal. This contract will be awarded in compliance with Chapter 2-9 of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.
The motion authorizing the negotiation and execution of a contract was approved.
23. Authorize execution of a 12-month service agreement with PRUDENTIAL OVERALL SUPPLY, Round Rock, TX for rental of uniforms and shop towels in an amount not to exceed \$54,436, with two 12-month extension options in an amount not to exceed \$54,436 per extension option, for a total agreement amount not to exceed \$163,308. (Funding in the amount of \$40,827 is available in the Fiscal Year 2003-2004 Approved Operating Budget of the Fleet Maintenance Fund of the Finance and Administrative Services Department. Funding for the remaining three months of the original contract period and extension options is contingent upon available funding in future budgets.) Low bid of three bids received. This contract will be awarded in compliance with Chapter 2-9 of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.
The motion authorizing the execution of a service agreement was approved.
24. Authorize negotiation and execution of a 48-month installment purchase agreement with AVNET COMPUTER MARKETING ENTERPRISE SOLUTIONS, Austin, TX through the State of Texas Department of Information Resources (DIR) for Cisco Equipment in an amount not to exceed \$696,827. (Funding in the amount of \$250,000 is available in the Fiscal Year 2003-2004 Operating Budget of Austin Bergstrom International Airport. Funding for the remaining 36 months is contingent upon available funding in future budgets.) Cooperative Purchasing (Recommended by the Austin Airport Advisory Commission)
The motion authorizing the execution of an installment purchase agreement was approved.

- 25. Authorize execution of a 12-month service agreement with AVNET COMPUTER MARKETING ENTERPRISE SOLUTIONS, Austin, TX through the State of Texas Department of Information Resources (DIR) for maintenance of Uninterruptible Power Supplies (UPS) in an amount not to exceed \$74,910, with four 12-month extension options in an amount not to exceed \$130,000, \$143,000, \$145,860, and \$148,778 respectively, for a total agreement amount not to exceed \$642,548. (Funding in the amount of \$24,970 is available in the Fiscal Year 2003-2004 Approved Operating Budget of the Communications Technology and Management (CTM). Funding for the remaining 8 months of the original contract period and the extension options is contingent upon available funding in future budgets.) Cooperative Purchasing
The motion authorizing the execution of a service agreement was approved.

- 26. Authorize negotiation and execution of a contract with ACTION TARGET, INC., Provo, UT, for the purchase and installation of automated target systems for the Austin Police Department Firing Range for firearms training and qualification for cadets and the annual re-qualification of police officers in an amount not to exceed \$52,092. (Funding is included in the Fiscal Year 2003-2004 Approved Operating Budget of the Police Department.) Best proposal of three proposals received. This contract will be awarded in compliance with Chapter 2-9 of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.
The motion authorizing the negotiation and execution of a contract was approved.

- 27. Authorize execution of a 12-month supply agreement with MILLER UNIFORMS & EMBLEMS, INC., Austin, TX for jackets in an amount not to exceed \$49,650 with two 12-month extension options in an amount not to exceed \$49,650 for a total agreement amount not to exceed \$148,950. (Funding in the amount of \$37,238 is available in the Fiscal Year 2003-2004 Approved Operating Budget of various City departments. Funding for the remaining three months of the original contract period and extension options is contingent upon available funding in future budgets.) Lowest bid meeting specifications of three bids received. This contract will be awarded in compliance with Chapter 2-9 of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.
The motion authorizing the execution of a supply agreement was approved.

Item 28 was pulled for discussion.

- 29. Board and Commission Appointments.
The following appointments were made:

Board/ Appointee	Consensus/ Council Nominee	Appointment/ Reappointment
<u>Arts Commission</u>		
Maxine Barkan	Consensus	Reappointment
<u>Construction Advisory Committee</u>		
Bruce Wilson	Council Member Alvarez'	Reappointment
<u>Environmental Board</u>		
Timothy Riley (Barton Springs/Edwards Aquifer Rep.)	Consensus	Appointment

Library Commission

Laura Dooley	Council Member Dunkerley's	Appointment
David Mintz	Council Member Slusher's	Reappointment

Mexican American Cultural Center Advisory Board

Stephen Parks	Consensus	Reappointment
Donato Rodriguez, III	Consensus	Reappointment

Music Commission

Theresa Jenkins	Consensus	Appointment
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Parks and Recreation Board

Hector Ortiz	Consensus	Appointment
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Items 30 and 31 were pulled for discussion.

32. Direct the City Manager to apply for a grant from the Tony Hawk Foundation for the construction of a skateboard park to be built at Mabel Davis Park. (Mayor Will Wynn, Council Member Raul Alvarez and Council Member Danny Thomas)
The motion directing the City Manager to apply for a grant was approved.
33. Approve an ordinance appointing Joel Doran Stone to the MBE/WBE Advisory Committee, and waiving the residency requirement under Section 2-1-1 of the City Code, for that appointment. (Council Member Raul Alvarez, Council Member Betty Dunkerley and Council Member Danny Thomas)
This item was postponed to January 29, 2004.
34. Set a public hearing on the proposed Crestview/Wooten Combined Neighborhood Plan, an amendment to the Austin Tomorrow Comprehensive Plan, for the area bounded by Burnet Road to the west, US 183 to the north, US 183 and Lamar to the east, and Justin Lane to the south. (Suggested date and time for public hearing: March 4, 2003, 4:00 p.m., Lower Colorado River Authority, Hancock Building.)
The public hearing was set for March 4, 2004, 4:00 p.m., Lower Colorado River Authority, Hancock Building.
35. Set a public hearing for the full purpose annexation of the following areas: (1) Northtown Triangle Area (Approximately 0.105 acres located in Travis County north of Howard Lane approximately one-half mile east of the intersection of IH 35 and Howard Lane); (2) Prosser Estate Area (Approximately 21 acres in Travis County west of Bradshaw Road, approximately three-tenths of a mile north of the intersection of River Plantation Drive and Bradshaw Road); and (3) ZT Scott Area (Approximately 269 acres in Travis County, approximately one-tenth of a mile south of the intersection of Bradshaw Road and Old Lockhart Highway) (Suggested dates and times: February 5, 2004 at 6:00 p.m., Lower Colorado River Authority, Hancock Building and February 12, 2004 at 6:00 p.m., Lower Colorado River Authority, Hancock Building).
The public hearings were set for February 5 and 12, 2004 at 6:00 p.m., Lower Colorado River Authority, Hancock Building.

36. Set a public hearing to approve a land exchange with Travis County consisting of approximately 0.714 acres along the eastern perimeter of the City of Austin Balcones Canyonlands Preserve (COA-BCP) property known as Lime Creek, located at 13024 Lime Creek Road, to be used as right-of-way to allow Travis County to construct a new portion of Anderson Mill Road that will intersect with a relocated Lime Creek Road. After construction of both roads by Travis County is completed, the County will vacate an existing portion of Lime Creek Road, adjacent to the eastern perimeter of the Lime Creek COA-BCP property, and west of the proposed new Anderson Mill Road section, and dedicate that vacated road to the City. The Lime Creek COA-BCP property, the proposed new section of Anderson Mill Road and the re-alignment of Lime Creek Road are all located in northwest Travis County, close to the county line with Williamson County. (Suggested date and time: January 29, 2004 at 6:00 p.m.) (All costs associated with the right-of-way, as well as any preserve restoration will be paid by Travis County.) (To be reviewed by the Balcones Canyonlands Conservation Plan Coordinating Committee on January 12, 2004.)
The public hearing was set for January 29, 2004 at 6:00 p.m.

Items 37 through 40 were Executive Session items.

Items AHFC-1 and AHFC-2 were Austin Housing Finance Corporation items.

Item 41 was a Briefing item.

Items 42 and 43 and Z-1 through Z-10 were Zoning items set for 4:00 p.m.

Items 44 and 45 were public hearings set for 6:00 P.M.

DISCUSSION ITEMS

31. Direct the City Manager to initiate a pilot program to implement air quality measures through the City of Austin contracting and business support operations. (Mayor Will Wynn, Mayor Pro Tem Jackie Goodman and Council Member Daryl Slusher)
Resolution No. 040115-31 was approved on Council Member Slusher's motion, Council Member Thomas' second on a 5-0 vote. Mayor Pro Tem Goodman and Council Member McCracken were off the dais.
8. Approve an Ordinance authorizing acceptance of \$236,122 in additional grant funds from the Texas Department of Health Women, Infants and Children (WIC) Administration/Nutrition grant program; and amending Ordinance No. 030909-01, the approved Fiscal Year 2003-2004 Operating Budget, Health Human Services Special Revenue Fund, by appropriating \$236,122 in additional grant funds for a total grant amount of \$3,377,122, and authorizing an additional four (4.0) full-time equivalent (FTE) positions for a total of sixty-nine (69) FTEs. (Funding in the amount of \$236,122 is available from the Texas Department of Health Women, Infants, and Children (WIC) Administration/Nutrition Grant Program. The grant period is October 1, 2003 through September 30, 2004. No city match is required.)
Ordinance No. 040115-08 was approved on Council Member Dunkerley's motion, Mayor Wynn's second on a 5-0 vote. Mayor Pro Tem Goodman and Council Member McCracken were off the dais.

12. Approve an ordinance to establish classifications and number of positions in the classified service of the Police Department and repealing Ordinance No. 031023-19. (Funding is included in the Approved Fiscal Year 2003-2004 Operating Budget for the Police Department.)
Ordinance No. 040115-12 was approved on Council Member Dunkerley's motion, Mayor Wynn's second on a 5-0 vote. Mayor Pro Tem Goodman and Council Member McCracken were off the dais.

28. Approve an Ordinance amending Chapter 12-4 of the City Code by: (1) amending Section 12-4-43 by adding a portion of Avery Ranch Boulevard to the list of streets having a maximum speed limit of 45 miles per hour; (2) amending Section 12-4-63 by adding portions of Brentwood Street and Yates Avenue to the list of streets having a maximum speed limit of 20 miles per hour in a school zone; and (3) amending Section 12-4-63 by removing the subsection relating to the Ruth Isley School on Shoal Creek Boulevard from the list of streets having a maximum speed limit of 20 miles per hour in school zone. (Funding in the amount of \$ 2200 is available in the Fiscal Year 2003-2004 Operating Budget of the Transportation, Planning and Sustainability Department for the installation and/or removal of the appropriate speed limit signs.)
Ordinance No. 040115-28 was approved on Council Member Dunkerley's motion, Mayor Wynn's second on a 5-0 vote. Mayor Pro Tem Goodman and Council Member McCracken were off the dais.

9. Approve negotiation and execution of professional services contracts to provide state and federal representation services for the interim preceding the 79th Legislative Session for a total amount over all contracts not to exceed \$811,000. (Contracts will be negotiated and executed with Carl Richie, Reggie Bashur, Randy Erben, Susan Rocha, Barbara McCall, Marta Greytok, Clay Pope, Adams & Zottarelli, and Cliff Johnson.) (Funding is available in the Fiscal Year 2003-2004 Approved Operating Budget of the Management Services Department, the Solid Waste Services Department, the Austin Water Utility and Austin Energy.)
The motion authorizing the negotiation and execution of professional services contracts was approved on Council Member Dunkerley's motion, Mayor Wynn's second on a 4-0-1. Council Member Alvarez abstained. Mayor Pro Tem Goodman and Council Member McCracken were off the dais.

Mayor Wynn recessed the Council Meeting to go into Executive Session at 10:44 a.m.

EXECUTIVE SESSION

The City Council went into Executive Session, pursuant to Chapter 551 of the Texas Government Code, to receive advice from Legal Counsel, to discuss matters of land acquisition, litigation, and personnel matters as specifically listed on this agenda and to receive advice from Legal Counsel regarding any other item on this agenda.

Private Consultation with Attorney - Section 551.071

37. Discuss legal issues relating to the labor negotiations for a Meet and Confer contract with the Austin Police Association.

38. Discuss legal issues related to Chapter 2-9 of the City Code, the Minority-Owned and Women-Owned Business Enterprise Procurement Program.

Executive Session ended and Mayor Wynn called the Council Meeting back to order at 12:15 p.m.

CITIZEN COMMUNICATIONS: GENERAL

Mary Lehmann - All-Lease Estimates for Mueller, An Update

Robert Singleton - Leasing Mueller

Pat Johnson - Towing companies who do private property impounds.

Pat Valls-Trelles - Spay/Neuter & The No Kill Goal. **She was not present when her name was called**

Jennifer Gale - Voter Voice Details

Mayor Wynn recessed the Council Meeting to go into Executive Session at 12:30 p.m.

EXECUTIVE SESSION CONTINUED

40. Discuss legal issues relating to an agreement with Hays County regarding subdivision regulations in the City's extra-territorial jurisdiction within Hays County. (Concerns House Bill 1445 and House Bill 1204, Chapter 242 of the Local Government Code)

Executive Session ended and Mayor Wynn called the Council Meeting back to order at 1:41 p.m.

BRIEFINGS

41. Introduction to the Fiscal Year 2004-2005 budget process, and an introduction of the quarterly economic updates, featuring a presentation of a study done by The Urban Institute. **The presentation was made by Toby Futrell, City Manager; Rudy Garza, Budget Director; and Sue Edwards, Economic Growth and Redevelopment Services Director.**

Mayor Wynn recessed the Council Meeting to go into Executive Session at 2:20 p.m.

EXECUTIVE SESSION CONTINUED

The Mayor announced that Council would discuss item number 30 on the regular agenda during Executive Session.

Executive Session ended and Mayor Wynn called the Council Meeting back to order at 4:38 p.m.

DISCUSSION ITEMS CONTINUED

30. Consider an ordinance appointing the Presiding Judge, Associate Judges, Downtown Austin Community Court Judge and Substitute Judges to the City of Austin Municipal Court for the 2004-2005 judicial term, and setting compensation and benefits. (Mayor Will Wynn, Mayor Pro Tem Jackie Goodman and Council Member Brewster McCracken)
This item was postponed to February 5, 2004 on Mayor Pro Tem Goodman's motion, Council Member Alvarez' second on a 7-0 vote.

BOARD OF DIRECTORS MEETING OF AUSTIN HOUSING FINANCE CORPORATION.

Mayor Wynn recessed the Council Meeting at 4:41 p.m. to go into the Board of Director's Meeting of the Austin Housing Finance. See separate minutes.

AHFC adjourned and the regular Council meeting was called back to order at 4:44 p.m.

ZONING CONSENT ITEMS

The following zoning items were acted on by one motion. No separate discussion or action occurred on any of the items. The second and third readings were approved on Council Member Alvarez' motion, Council Member Thomas' second on a 7-0 vote.

42. C14-03-0152 - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by zoning property locally known as State Highway 71 East at Spirit of Texas Drive (Carson Creek Watershed) from interim-rural residence (I-RR) district zoning to community commercial-conditional overlay (GR-CO) combining district zoning. First reading on November 20, 2003. Vote: 6-0, J. Goodman - off dais. Conditions met as follows: Conditional Overlay and restrictive covenant incorporates the conditions imposed or accepted by Council on first ordinance reading. Applicant: Gerald Kucera. Agent: Crocker Consultants (Sarah Crocker). City Staff: Glenn Rhoades, 974-2775.

Ordinance No. 040115-42a and 040115-42b were approved.

43. C14-03-0153 - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by zoning property locally known as 2031 State Highway 71 East (Carson Creek Watershed) from interim-rural residence (I-RR) district zoning to community commercial-conditional overlay (GR-CO) combining district zoning. First reading on December 11, 2003. Vote: 6-0, J. Goodman off the dais. Conditions met as follows: Conditional Overlay and restrictive covenant incorporates the conditions imposed or accepted by Council on first ordinance reading. Applicant: Austin Airport Center Ltd. (Gerald Kucera). Agent: Crocker Consultants (Sarah Crocker). City Staff: Glenn Rhoades, 974-2775.

Ordinance No. 040115-43 was approved.

ZONING CONSENT ITEMS

The following zoning items were acted on by one motion. No separate discussion or action occurred on any of the items. The public hearings were closed and consent items were approved on Mayor Pro Tem Goodman's motion, Council Member Alvarez' second on a 6-0 vote. Council Member McCracken was off the dais.

- Z-1 Conduct a public hearing and approve an ordinance to amend the Montopolis Neighborhood Plan, an element of the Austin Tomorrow Comprehensive Plan, to change the Future Land Use Map designation from residential to mixed-use for property located at 805 E. Montopolis Drive. (Recommended by the Planning Commission.) (Related Items Z-9, Z-10)

Ordinance No. 040115-Z-1 was approved.

- Z-2 Conduct a public hearing and approve an ordinance to amend the Montopolis Neighborhood Plan for a portion of 900 Bastrop Hwy and a portion of 7300-7320 Riverside Drive, to change the Future Land Use Map from commercial to residential. (January 13, 2004 - Planning Commission hearing.)
This item was postponed to January 29, 2004 at staff's request.
- Z-3 C14-03-0158 - A.A.A. Storage - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 6509 South First Street (Williamson Creek Watershed) from community commercial (GR) district zoning and warehouse limited office (W/LO) district zoning to warehouse limited office (W/LO) district zoning. Zoning and Platting Commission Recommendation: To grant warehouse limited office (W/LO) district zoning. Applicant: A.A.A. Storage (John Muhich). Agent: A.A.A. Storage (Andrew Bursk). City Staff: Wendy Walsh, 974-7719.
Ordinance No. 040115-Z-3 for warehouse limited office (W/LO) district zoning was approved.
- Z-4 C14-03-0165 - Shaid Zoning - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by zoning property locally known as 3206 West Slaughter Lane (Slaughter Creek Watershed-Barton Springs Zone) from interim-rural residence (I-RR) district zoning to townhouse & condominium residence (SF-6) district zoning. Zoning and Platting Commission Recommendation: To grant townhouse & condominium residence (SF-6) district zoning. Applicant: Orrin Shaid. Agent: Crocker Consultants (Sarah Crocker). City Staff: Wendy Walsh, 974-7719.
This item was postponed to February 5, 2004 at applicant's request.
- Z-5 C14-03-0166.SH - The Canyon at Red Willow - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 8422-8504 Red Willow Drive (Williamson Creek Watershed) from rural residential (RR) district zoning to single family residence standard lot (SF-2) district zoning. Zoning and Platting Commission Recommendation: To grant single family residence standard lot (SF-2) district zoning. Applicant: DSJ Land Group, Ltd. (Stephen E. Jensen et al.). Agent: DSJ Land Group, Ltd. (Stephen E. Jensen). City Staff: Annick Beaudet, 974-2975.
The first reading of the ordinance for single family residence standard lot (SF-2) district zoning was approved.
- Z-6 C14-03-0160 - Reserve at Northwood - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 3100 West Parmer Lane (Walnut Creek Watershed) from development reserve (DR and RR) district zoning to single family residence standard lot (SF-2) district zoning. Zoning and Platting Commission Recommendation: To grant single family residence standard lot-conditional overlay (SF-2-CO) district zoning. Applicant: Saginaw Partners, Ltd. (Lan Bentsen, Trustee). Agent: John R. Jones, P.C. (John R. Jones). City Staff: Sherri Gager, 974-3057.
Ordinance No. 040115-Z-6 for single family residence standard lot-conditional overlay (SF-2-CO) district zoning was approved.

- Z-7 C14-03-0169 - 12228 Roxie Drive - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by zoning property locally known as 12228 Roxie Drive (Lake Creek Watershed) from interim-single family residence standard lot (I-SF-2) district zoning to general commercial services-conditional overlay (CS-CO) combining district zoning. Zoning and Platting Commission Recommendation: To grant general commercial services-conditional overlay (CS-CO) combining district zoning. Applicant: Maverick Drilling Company, Inc. (Don D. Henrich). Agent: Lenworth Consulting (Nash Gonzales). City Staff: Sherri Gager, 974-3057.
Ordinance No. 040115-Z-7 for general commercial services-conditional overlay (CS-CO) combining district zoning was approved.
- Z-8 C14-03-0049 - House of Tutors - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 2400 Pearl Street (Shoal Creek Watershed) from general office-mixed use (GO-MU) combining district zoning to general commercial services-mixed use-conditional overlay (CS-MU-CO) combining district zoning and multi-family residence highest density-conditional overlay (MF-6-CO) combining district zoning. Planning Commission Recommendation: To grant general commercial services-mixed use-conditional overlay (CS-MU-CO) combining district zoning and multi-family residence highest density-conditional overlay (MF-6-CO) combining district zoning. Applicant: House of Tutors Inc. (Hussain Malik). Agent: Holland Architectural (James Holland). City Staff: Glenn Rhoades, 984-2775.
This item was postponed to January 29, 2004 at the neighborhood association's request.
- Z-9 C14-03-0117 - Raissedonna - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 805 Montopolis Drive (Country Club Creek Watershed) from family residence-neighborhood plan (SF-3-NP) combining district zoning to community commercial-mixed use-neighborhood plan (GR-MU-NP) combining district zoning. Planning Commission Recommendation: To grant community commercial-mixed use-neighborhood plan (GR-MU-NP) combining district zoning. Applicant: Farhad & Sherry Raissedonna. Agent: Farhad & Sherry Raissedonna. City Staff: Annick Beaudet, 974-2975. (Related Items Z-1, Z-10)
Ordinance No. 040115-Z-9 for community commercial-mixed use-neighborhood plan (GR-MU-NP) combining district zoning was approved.
- Z-10 C14-03-0154.SH - Steiner Tract - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 7300-7320 Riverside Drive and 900 Bastrop Highway (Carson Creek Watershed) from townhouse and condominium residence-conditional overlay-neighborhood plan (SF-6-CO) combining district zoning, multi-family residence medium density-conditional overlay-neighborhood plan (MF-3-CO) combining district zoning, and general commercial services-conditional overlay-neighborhood plan (CS-CO-NP) combining district zoning to single-family residence small lot (SF-4A) district zoning. Planning Commission Recommendation: To be considered by the Commission on January 27, 2004. Applicant: Robert Steiner. Agent: Minter, Joseph, and Thornhill, P.C. (John Joseph, Jr.). City Staff: Annick Beaudet, 974-2975. (Related Items Z-1, Z-9)
This item was postponed to January 29, 2004 at the staff's request.

Mayor Wynn recessed the Council Meeting at 4:55 p.m.

LIVE MUSIC

PROCLAMATIONS

Distinguished Service Award - Darwin McKee - to be presented by Mayor Will Wynn and to be accepted by the honoree

Proclamation - Austin Women's Hospital Dedication Day - to be presented by Mayor Will Wynn and to be accepted by TBA

Mayor Wynn called the Council Meeting back to order at 6:03 p.m.

PUBLIC HEARINGS AND POSSIBLE ACTION

45. Conduct a public hearing and approve an ordinance to amend Chapter 5-1 of the City Code with respect to visitability standards that create a level of accessibility for persons with disabilities who visit new single-family homes, duplexes, and triplexes built with City and/or federal assistance. (Recommended by Community Development Commission (CDC); reviewed by the Mayor's Committee for People with Disabilities.)

The public hearing was closed on Mayor Pro Tem Goodman's motion, Council Member Dunkerley's second on a 6-0 vote. Council Member McCracken was off the dais.

Ordinance No. 040115-45 was approved with the following amendment on Mayor Pro Tem Goodman's motion, Council Member Thomas' second on a 6-0 vote. Council Member McCracken was off the dais. The amendment was to 5-1, Part 5, Section B of the ordinance and requires the community development officer to forward monthly reports to the Mayor's Committee for People with Disabilities. Direction was given to staff to arrange for review by CDC members with a report back to Council on the effect of the ordinance after one year of operation. If ordinance amendments are needed, they would be presented in the report.

44. Conduct a public hearing and approve a resolution amending the current S.M.A.R.T. Housing™ Initiative Policy to clarify existing technical standards and change the length of time that housing must remain affordable for low-income buyers in order to expand the number of reasonably-priced single family homes that meet S.M.A.R.T. Housing™ standards when no federal subsidies are involved. S.M.A.R.T. stands for Safe, Mixed-Income, Accessible, Reasonably Priced and Transit Oriented. (Recommended by Community Development Commission (CDC) with modifications; reviewed by the Mayor's Committee for People with Disabilities)

The public hearing was closed on Council Member Alvarez' motion, Council Member Dunkerley's second on a 6-0 vote. Council Member McCracken was off the dais.

Resolution No. 040115-44 with the following friendly amendments was approved on Council Member Alvarez' motion, Council Member Dunkerley's second on a 6-0 vote. Council Member McCracken was off the dais. The friendly amendments to the resolution from Council Member Slusher were: to Section (D)1.c.(1) delete the word "also" and move the word "only" after "administratively". It will now read, "may be waived administratively only". The second amendment was to (D)1.c.(2) to read as follows: "Capital Recovery Fees for developments in the following categories may only be waived by a vote of the City Council: developments for which an applicant seeks variances in the Drinking Water

Protection Zone; developments with full HB 1704 exemptions within the City's full purpose or limited purpose annexation area; and/or developments located in Municipal Utility Districts that are within the City's limited purpose annexation area."

39. Discuss legal issues in *Walter Session, et al. v. Rick Perry, et al.*, Cause No. 2:03-CV-254 in the U.S. District Court, Eastern District of Texas. (Concerns Congressional redistricting)
This item was withdrawn.

The motion to adjourn the meeting at 7:26 p.m. was approved on Council Member Slusher's motion, Mayor Wynn's second on a 6-0 vote. Council Member McCracken was off the dais.

The minutes for the Regular Meeting of January 15, 2004 were approved on this the 29th day of January, 2004 on Mayor Pro Tem Goodman's motion, Council Member Dunkerley's second on a 6-0 vote. Council Member Thomas was absent.